

SUPERIOR COURT IN THE STATE OF CALIFORNIA
COUNTY OF YOLO

PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff,

Case CR-F -08-0003355

vs.

MINUTE ORDER

MARCO ANTONIO TOPETE
Defendant.

Judge:	PAUL K. RICHARDSON
Clerk:	JENNIFER HICKS
Reporter:	MICHELLE MULLER
Date:	FEBRUARY 26, 2010

HEARING: DISCOVERY MOTION

Counsel for the People: GARRETT HAMILTON, DDA

Counsel for Defendant(s): HAYES GABLE, III

8:32 AM

Defendant and counsel present in open court and ready to proceed.

The Court addressed defense counsel's pre-trial discovery motion and asked if either counsel wished to make further comments.

Both counsel declined to make further statements.

The Court read and considered the motion and the responsive pleading. The Court denied defense counsel's motion for pre-trial discovery stating that there was nothing for the Court to compel given that the prosecution represented and has given defense everything it and law enforcement have and that law enforcement represented that the reports have been purged.

The Court addressed the suppression motion set for March 12, 2010.

The Court asked defense counsel to provide the court with the transcripts that were cited in the motion.

Defense counsel, Hayes Gable stated that both sides needed to compare their versions of the

transcripts and then provide the Court with an agreed transcript along with a copy of the video.

The Court stated its concerns that the date for the motion to be heard was coming up quickly and the Court would still need time to view and read the material that has yet to be provided. The Court asked counsel to provide that material as soon as possible, prior to March 12, 2010.

Counsel for the People, Garrett Hamilton, stated that both counsel have already discussed this issue. Counsel for the People stated that they intend to subpoena (3) three officers to testify on March 12, 2010. The People further stated that today was the date given to the People as the last day for them to file their response. Counsel for the People asked the Court for additional time to file.

Counsel for the defendant stated that he has no objection so long as defense counsel does not need to file a reply before March 12, 2010.

The Court allowed the People to file their response by the end of work on March 3, 2010. Both counsel suggested that the video-taped interviews could be viewed by the Court at its leisure with a decision on the motion to suppress made later than March 12, 2010.

The Court stated that it will hear evidence on March 12, 2010 and make its ruling at a later time per the agreement of counsel. Defense counsel is to provide the video and transcript to the Court prior to that date.

Counsel for the defendant stated that the material could be provided to the Court by the end of next week.

Counsel for the People stated the transcript that would be provided to the Court would be the defense counsel's version.

Counsel for the People asked if the video could be brought to the Court's clerk informally.

The Court stated that it could be submitted in that fashion but that the material would need to be marked.

Counsel for the defendant wished to submit an order to the Court for the weapon, an AR15 semi-automatic rifle, to be released to his expert. Counsel for the defendant asked if the order could be submitted to the court for signature, ex-parte.

Counsel for the People was not opposed.

The Court stated that the order could be submitted to the Court for signature.

8:43 AM

The matter was continued for suppression motion on March 12, 2010 at 8:30 AM.

The defendant remained in the custody of the Sheriff's Department with bail set at NO BAIL.

Court adjourned.

frmlmins.s (FMO)